



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Jean M. Goldschmidt Iki

Art Unit: 2303

Examiner: Yahdega Retta

**For: A METHOD AND APPARATUS FOR
MANAGING ELECTRONIC COMMERCE**

Honorable Commissioner of
Patents and Trademarks
Alexandria, VA 22313

APPEAL BRIEF
IN SUPPORT OF APPELLANT'S APPEAL
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant (hereafter “Appellant”) hereby submits this Brief in triplicate in support of its appeal from a final decision by the Examiner, mailed February 19, 2004 in the above-captioned case. Appellant respectfully requests consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the above-captioned patent application.

An oral hearing is not desired.

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Docket No.: 42390.P4495C
Application No.: 09/632,640

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I. REAL PARTY IN INTEREST

The invention is assigned to Intel Corporation of 2200 Mission College Boulevard, Santa Clara, California 95052-8119.

II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision.

III. STATUS OF THE CLAIMS

Claims 1-20 and 46-66 are currently pending in the above-referenced application. No claims have been allowed. All pending claims 1-30 and 46-66 were rejected in the Final Office Action mailed February 19, 2004, and are the subject of this appeal.

Claims 1-9, 13-19, 46-55, 57-65, and 67 stand rejected under 35 U.S.C. § 102.

Claims 10-12, 20, 56, and 66 stand rejected under 35 U.S.C. § 103.

IV. STATUS OF AMENDMENTS

In response to the first Office action mailed on September 23, 2003, rejecting all pending claims, Appellants filed an amendment on December 1, 2003. No further amendments have been offered. The amended claims were rejected in the final Office action of February 19, 2004. A Notice of Appeal is filed herewith.

A copy of all claims on appeal is attached hereto as Appendix A.

V. SUMMARY OF THE INVENTION

The invention, as embodied in Claim 1, provides a method of performing a transaction between a business and a consumer through an electronic commerce system.

As recited in Claim 1, this method involves sending (Block 602 of Figure 6, and see page 15, lines 18-26) transactional information via a broadcast channel from an electronic commerce system 130 to consumers 110. The transactional information includes a transaction identifier and is related to a product or service that is for sale by a business 150.

In one example in the specification (See e.g. page 14, line 22, to page 15, line 8), the transactional information is sent by a television broadcaster via cable, satellite or airwaves to a home entertainment system together with the television programming. The television viewer is presented with this information about products and services for sale by the home entertainment system (Figure 2).

The method further involves receiving (at block 603) a transaction request via a network connection 120 at an electronic commerce system 130 from a consumer 110 in response to the sent transactional information. The transaction request includes the transaction identifier (sent to the consumer in the first element) and a consumer identifier.

The third element of Claim 1 involves sending (at block 606) the transaction request and consumer information via a secure channel 140 from the electronic commerce system 130 to a server system 150 of the business to which the transactional information relates. The consumer information includes credit information about the consumer and an identification of the consumer.

As described in the context of Figure 4, the electronic commerce system may verify the consumer and verify the transaction. In one embodiment, by sending the transaction request and the consumer information, the electronic commerce system allows the consumer to purchase the advertised product or service from the business.

As stated at page 14, lines 11-17, "the present invention allows encryption to be performed on sensitive information and transmitted over the Internet without requiring a client system 110 to be configured with the necessary encryption hardware or software." This is true because the sensitive information (the consumer information) is sent between the electronic commerce system 130 and the business server system 150. The client system 110 sends a consumer identifier.

VI. ISSUES PRESENTED

Whether Pickett (U.S. Patent No. 6,012,144) can anticipate pending claims of this application without teaching or suggesting several limitation expressly recited in those claims and further whether the remaining claims can be rendered obvious without these teachings being in the primary reference.

VII. GROUPING OF CLAIMS

For the purposes of this appeal, all pending claims stand or fall together.

VIII. ARGUMENT

A. PICKETT FAILS TO TEACH OR SUGGEST USING A BROADCAST CHANNEL SO THE REJECTION FOR ANTICIPATION FAILS.

The Examiner has rejected claims 1-9, 13-19, 46-55, 57-65 and 67 under 35 U.S.C. §102 (e) as being anticipated by Pickett, U.S. Patent No. 6,012,144 ("Pickett"). In Pickett, credit card purchases are performed from a single computer sales system using an Internet web browser for an order form and a telephone call for credit card information. Pickett fails to show many of the specific limitations of the claims one of which is "sending transactional information via a broadcast channel" .

Pickett makes no mention of a broadcast channel. On the contrary, Pickett mentions, "the user accesses a Web page containing an order form..." (Col. 6: lines 26-27). This Web page is from an Internet site and is sent to the user's web browser.

The Examiner seems to suggest that the Internet is a broadcast channel. Applicants respectfully submit that the Internet does not carry broadcast services. Instead, the Internet carries packets to specific IP addresses. The Internet is fundamentally a point-to-point system, not a broadcast service. Some applications, such as streaming audio, are referred to as multicasting, however, this still requires packets to be sent to specific IP addresses.

The Examiner argues that "via a broadcast channel" as recited e.g. in Claim 1, reads on "using the Internet" as described in Pickett. As support, the Examiner has selected a paragraph out of the present application, apparently to define "a broadcast channel." Appellants respectfully submit that while claims may be interpreted in light of the specification, it is the express limitations of the claims that are under examination.

The Examiner has selected the following paragraph from page 9 of the specification:

As illustrated in Figure 2, entertainment system 200 may be configured to receive broadcast data from a wide variety of sources. In one embodiment, entertainment system 200 receives broadcast data from any or all of the following sources: cable broadcast 241, satellite broadcast 242 (e.g., via a satellite dish), very high frequency (VHF) or ultra high frequency (UHF) radio frequency communication of the broadcast networks 243 (e.g., via an aerial antenna), telephone/computer network interface 244, and/or information stored locally at system controller 240 or another component of the entertainment system 200. Further, it will be appreciated by one skilled in the art, that cable broadcast input 241, satellite broadcast input 242 and VHF/UHF input 243 may receive input from digital broadcast programming and digital cable programming. The broadcast data may be received by the entertainment system 200 via the audio/video tuner and amplifier 224, the system controller 240, or other system components or combination of system components.

Appellants submit that this paragraph describes sources of "broadcast data" rather than broadcast channels. The broadcast channels tend to be labeled as such in this paragraph, e.g. cable, satellite, VHF/UHF. This paragraph would suggest, for example, that if a broadcast television show were recorded on a videocassette tape, then a VCR could be a source of broadcast data even though the wires from the VCR would not be a broadcast channel.

With respect to broadcast channels, Appellants kindly direct the Board's attention to the paragraph beginning on the bottom of page 14 of the present application (emphasis added).

Referring back to Figure 4, an information distributor 430 is coupled to the transaction manager 420. The information distributor 430 operates to distribute transactional information to the client system 110 (shown in Figure 1). The transactional information may be, for example, information about a product or service that is for sale or other information. According to a first embodiment of the present invention, the information distributor 430 may be a network interface or a telephone interface that sends transactional information to the client system 110 over the Internet

or over a direct phone connection. According to a second embodiment of the present invention where the electronic commerce system 130 is used for broadcasting broadcast data, the information distributor 430 may be a vertical blanking interval encoder, a cable link encoder, or a satellite link encoder that transmits transactional information over vertical blanking intervals, available cable bandwidth, or available satellite bandwidth during the transmission of broadcast data.

This paragraph would suggest that a broadcast channel is one used for broadcasting and that the transactional information may also be broadcast on such a channel. Accordingly, the interpretation suggested by Appellants, that the Internet is not a broadcast channel, is not only correct given the understanding of the person of average skill at the time of filing, but it is also consistent with the specification as filed.

B. PICKETT FAILS TO TEACH OR SUGGEST AN E-COMMERCE SYSTEM SEPARATE FROM THE SELLING BUSINESS SO THE REJECTION FOR ANTICIPATION FAILS.

Claim 1 recites "sending transactional information... from an electronic commerce system... relating to a product or service that is for sale by a business" This recitation sets up two different entities, the e-commerce system and the selling business. In Pickett, the Web page order form comes from the entity that is selling the product or service not from an electronic commerce system. (Col. 6: line:26 and Figure 1). Accordingly there is no other entity (selling business) suggested in Pickett

Claim 1 further develops these two different entities as it recites, "sending the transaction request... from the electronic commerce system to ...the business to which the transactional information relates" In Pickett, the system that handles the initial Web page order form and the telephone confirmation also handles the complete order (order fulfillment). There is no other business to which the system sends a transaction request.

Pickett does suggest that information be sent to a credit card company for payment (Column 7: lines 5-7). However, as set forth in Claim 1, the transaction request contains the transaction identifier that was originally sent to the potential consumer. The credit card company does not receive the transaction request, it receives only an authorization request. A conventional credit card authorization request is limited, for privacy reasons, to a vendor id., a customer account No., and the amount. Accordingly, the credit card company cannot be the other business (the selling business).

C. PICKETT FAILS TO TEACH OR SUGGEST SENDING CREDIT INFORMATION FROM THE E-COMMERCE SYSTEM TO THE SELLING BUSINESS SO THE REJECTION FOR ANTICIPATION FAILS.

Claim 1, for example, recites, "sending... to a server system of the business to which the transactional information relates, the consumer information including credit information about the consumer." Note that "the business" in the third element refers back to "a product or service that is for sale by a business" in the first element of the claim.

The Examiner has suggested that sending the consumer information to the selling business reads on sending a credit card authorization request to the credit card company in Pickett Column 7, lines 5-7. However, the express claim language is inconsistent with Pickett. First, in Pickett, credit information will not be sent to the credit card company. The credit card company already has credit information. Pickett's authorization request is sent to the credit card company so that the credit card company can apply its own credit information. The credit card company will use its own credit information because it pays

for and bears the credit risk for the transaction. Typically an authorization request is answered only with an authorization number or a denial.

Second, the credit card company in Pickett is not selling the product or service. As a result, it cannot be "a server system of the business to which the transactional information relates." Accordingly, there is no teaching or suggestion of this transaction in Pickett.

In light of these significant distinctions, Appellants respectfully submit that Claim 1 is not anticipated by Pickett. The other pending claims contain similar limitations and are believed to be allowable on the same grounds.

**D. WITHOUT THE BENEFIT OF THE PRIMARY REFERENCE, PICKETT,
THE REJECTIONS FOR OBVIOUSNESS ALSO FAIL.**

The Examiner rejected claims 10-12, 20, 56 and 66 under 35 U.S.C. §103 (a) as being unpatentable over Pickett in view of Randle et al., U.S. Patent No. 5,974,146 ("Randle"). Randle is cited to show a central clearinghouse for verifying merchants. However, Randle does not teach or suggest any of the limitations discussed above which are missing from, e.g. Claim 1. The claims rejected as obvious depend from Claim 1 or from claims with similar limitations and accordingly are believed to be allowable over the cited combination.

VII. CONCLUSION

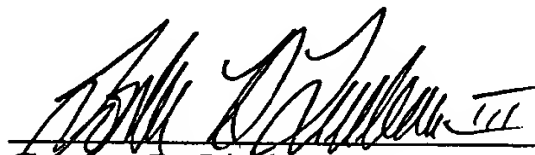
Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This brief is submitted in triplicate, along with a check for \$770.00 to cover the appeal fee, notice of appeal fee and a 1 month extension of time for one other than a small entity as specified in 37 C.F.R. § 1.17(c). Please charge any shortages and credit any overpayment to our Deposit Account No. 02-2666.

Respectfully submitted,

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APPENDIX OF CLAIMS (37 C.F.R. § 1.192(c)(7))

1. A method comprising:

sending transactional information via a broadcast channel from an electronic commerce system to consumers, the transactional information including a transaction identifier and relating to a product or service that is for sale by a business;

receiving a transaction request via a network connection at an electronic commerce system from a consumer in response to the sent transactional information, the transaction request including a transaction identifier and a consumer identifier;

sending the transaction request and consumer information via a secure channel from the electronic commerce system to a server system of the business to which the transactional information relates, the consumer information including credit information about the consumer and an identification of the consumer.

2. The method of Claim 1 wherein sending transactional information comprises sending the transactional information along with broadcast data for viewing of broadcasts by the user.

3. The method of Claim 2 wherein sending transactional information comprises sending transactional information that is related to the broadcast viewing data.

4. The method of Claim 2 wherein sending the transactional information along with the broadcast data comprises sending using at least one of cable broadcast, satellite broadcast, very high frequency (VHF) radio frequency communication of broadcast

networks, ultra high frequency (UHF) radio frequency communication of broadcast networks and a telephone/computer network interface.

5. The method of Claim 1 wherein the network connection comprises an insecure internet connection.

6. The method of Claim 1 wherein the secure channel comprises an encrypted internet connection.

7. The method of Claim 1 wherein the secure channel comprises a telephone connection.

8. The method of Claim 1 further comprising verifying the consumer by comparing the consumer identifier to a list of consumers in a consumers library.

9. The method of Claim 8 wherein the consumers library includes credit information regarding consumers listed in the library and wherein sending the transaction request includes sending an identification of the consumer and credit information regarding the consumer.

10. The method of Claim 1 further comprising verifying businesses by comparing the transaction identifier to a list of transaction identifiers in a businesses library.

11. The method of Claim 10 further comprising verifying information for use in the businesses library by at least one of checking the history of the business and checking whether any complaints have been filed against the business.

12. The method of Claim 10 wherein the business library contains at least one of the name of the business, the physical address of the business, the Internet address of the business, the phone and fax numbers of the business and products sold by the business.

13. The method of Claim 1 wherein sending the transaction request comprises forwarding the transaction request to a server interface of the electronic commerce system to be sent to the server system of the business.

14. A machine readable medium having stored thereon data representing sequences of instructions which, when executed by a machine, cause the machine to perform operations comprising:

sending transactional information via a broadcast channel from an electronic commerce system to consumers, the transactional information including a transaction identifier and relating to a product or service that is for sale by a business;

receiving a transaction request via a network connection at an electronic commerce system from a consumer in response to the sent transactional information, the transaction request including a transaction identifier and a consumer identifier;

sending the transaction request and consumer information via a secure channel from the electronic commerce system to a server system of the business to which the transactional information relates, the consumer information including credit information about the consumer and an identification of the consumer.

15. The medium of Claim 14 wherein the instructions for sending transactional information comprise instructions for sending the transactional information along with broadcast data for viewing of broadcasts by the user.

16. The medium of Claim 14 wherein the network connection comprises an insecure internet connection.

17. The medium of Claim 14 wherein the secure channel comprises an encrypted internet connection.

18. The medium of Claim 14 wherein the sequences of instructions, when executed by a machine, cause the machine to perform further operations comprising verifying the consumer by comparing the consumer identifier to a list of consumers in a consumers library.

19. The medium of Claim 14 wherein the consumers library includes credit information regarding consumers listed in the library and wherein sending the transaction request includes sending an identification of the consumer and credit information regarding the consumer.

20. The medium of Claim 14 wherein the sequences of instructions, when executed by a machine, cause the machine to perform further operations comprising further comprising verifying businesses by comparing the transaction identifier to a list of transaction identifiers in a businesses library.

46. A method comprising:

sending transactional information along with broadcast data from an electronic commerce system to a consumer entertainment system through a broadcast communications medium, the transactional information including information about a product or service that is for sale by a business;

receiving a transaction request at the electronic commerce system from the consumer entertainment system identifying the consumer and the transactional information;

forwarding information regarding the consumer together with the identification of the consumer and the transactional information to a server system corresponding to the business for the transactional information securely over a second transmission medium.

47. The method of Claim 46 wherein the information regarding the consumer includes credit information regarding the consumer.

48. The method of Claim 46 wherein forwarding information securely comprises forwarding information using an encrypted internet connection.

49. The method of Claim 46 wherein forwarding information securely comprises forwarding information using a telephone connection.

50. The method of Claim 46 wherein displaying comprises displaying the transactional information during the viewing of broadcast data.

51. The method of Claim 46 wherein sending transactional information comprises sending transactional information that is related to the broadcast viewing data.

52. The method of Claim 46 wherein the broadcast communications medium comprises at least one of cable broadcast, satellite broadcast, very high frequency (VHF) radio frequency communication of broadcast networks, ultra high frequency (UHF) radio frequency communication of broadcast networks and a telephone/computer network interface.

53. The method of Claim 46 wherein receiving a transaction request comprises receiving the transaction request through an insecure internet connection.

54. The method of Claim 46 further comprising verifying the consumer by comparing the consumer identifier to a list of consumers in a consumers library.

55. The method of Claim 54 wherein the consumers library includes credit information regarding consumers listed in the library and wherein sending the transaction request includes sending an identification of the consumer and credit information regarding the consumer.

56. The method of Claim 46 further comprising verifying businesses by comparing the transaction identifier to a list of transaction identifiers in a businesses library.

57. The method of Claim 46 wherein sending the transaction request comprises forwarding the transaction request to a server interface of the electronic commerce system to be sent to the server system of the business.

58. A machine readable medium having stored thereon data representing sequences of instructions which, when executed by a machine, cause the machine to perform operations comprising:

sending transactional information along with broadcast data from an electronic commerce system to a consumer entertainment system through a broadcast communications medium, the transactional information including information about a product or service that is for sale by a business;

receiving a transaction request at the electronic commerce system from the consumer entertainment system identifying the consumer and the transactional information;

forwarding information regarding the consumer together with the identification of the consumer and the transactional information to a server system corresponding to the business for the transactional information securely over a second transmission medium.

59. The medium of Claim 58 wherein the information regarding the consumer includes credit information regarding the consumer.

60. The medium of Claim 58 wherein forwarding information securely comprises forwarding information using an encrypted internet connection.

61. The medium of Claim 58 wherein sending transactional information comprises sending transactional information that is related to the broadcast viewing data.

62. (Original) The medium of Claim 58 wherein the broadcast communications medium comprises at least one of cable broadcast, satellite broadcast, very high

frequency (VHF) radio frequency communication of broadcast networks, ultra high frequency (UHF) radio frequency communication of broadcast networks and a telephone/computer network interface.

63. The medium of Claim 58 wherein receiving a transaction request comprises receiving the transaction request through an insecure internet connection.

64. The medium of Claim 58 further comprising verifying the consumer by comparing the consumer identifier to a list of consumers in a consumers library.

65. The medium of Claim 64 wherein the consumers library includes credit information regarding consumers listed in the library and wherein sending the transaction request includes sending an identification of the consumer and credit information regarding the consumer.

66. The medium of Claim 58 further comprising verifying businesses by comparing the transaction identifier to a list of transaction identifiers in a businesses library.

67. The medium of Claim 58 wherein sending the transaction request comprises forwarding the transaction request to a server interface of the electronic commerce system to be sent to the server system of the business.